

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

METROPOLITAN LIFE INSURANCE
COMPANY,

Plaintiff,

v.

CAROLYN HURT, as Administrator of
the Estate of James M. Hamel, LEAH M.
VANN, ADAM WELCH, as Parent and
Guardian of L.W., a minor,

Defendants.

No. 3:13-cv-00996-HZ

OPINION & ORDER

William T. Patton
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Attorney for Plaintiff

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Attorney for Defendant Leah M.
Vann

HERNANDEZ, District Judge:

Plaintiff Metropolitan Life Insurance Company brings this interpleader action to request that this court determine who among the Defendants is the proper beneficiary of a Federal Employees' Group Life Insurance policy. Before the court is Defendant Adam Welch's motion for appointment of pro bono counsel. I deny the motion because Welch has not shown exceptional circumstances to warrant the appointment of counsel.

DISCUSSION

Generally, there is no constitutional right to counsel in a civil case. United States v. 30.64 Acres of Land, 795 F.2d 796, 801 (9th Cir. 1986). However, pursuant to 28 U.S.C. § 1915(e)(1), this Court has discretion to request volunteer counsel for indigent plaintiffs in exceptional circumstances. Id. "The decision to appoint such counsel is within the sound discretion of the trial court and is granted only in exceptional circumstances." Agyeman v. Corrections Corp. of Am., 390 F.3d 1101, 1103 (9th Cir. 2004) (internal quotation omitted). To determine if exceptional circumstances exist, the court evaluates the likelihood of plaintiff's success on the merits and "plaintiff's ability to articulate his claims in light of the legal issues involved." Id. (internal quotation omitted), cert. denied, 545 U.S. 1128 (2005).

Welch has not established his indigence, nor shown that his efforts to obtain legal counsel have been unsuccessful due to his financial situation. Welch is also able to communicate in a manner understood by the court. The circumstances at this time do not warrant seeking volunteer counsel to accept a pro bono appointment. Defendant Welch's motion for appointment of counsel is therefore denied.

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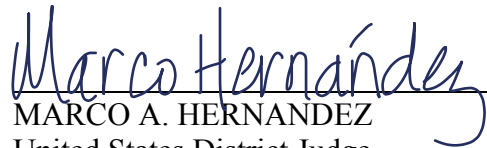
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CONCLUSION

Based on the foregoing, Defendant Welch's motion to for appointment of counsel (#11) is denied.

IT IS SO ORDERED.

Dated this 19th day of November, 2013.


MARCO A. HERNANDEZ
United States District Judge